



SUBSTANCE ABUSE PROGRAM

FOR

COMPANY EMPLOYEES

AND

CANDIDATES FOR EMPLOYMENT

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DRUG AND ALCOHOL POLICY STATEMENT

INTRODUCTION Waste Management (WM or Company) is committed to providing employees with a safe and healthy work environment. To ensure safety for employees, customers and the communities in which it operates, WM has taken a zero tolerance approach to substance abuse.

Substance abuse

- Increases the risk of workplace injuries and incidents
- Affects the health and well being of the user
- Lowers productivity and quality

WM uses the federal drug-testing model for its Substance Abuse Program. This federal drug testing model is detailed in 49 CFR, Parts 40 and 382.

Some states or locales may have certain limits on drug and/or alcohol testing not covered by federal drug testing policy. Where needed, this policy will be changed as required by local and/or state laws.

WASTE MANAGEMENT IS COMMITTED TO MAINTAINING A WORKPLACE THAT IS FREE FROM THE INFLUENCE OF DRUGS AND ALCOHOL ABUSE.

SUBSTANCE ABUSE POLICY

No person may

- use
- sell
- make
- handle
- purchase
- transfer
- possess
- consume
- inhale
- transport

or otherwise be involved with drugs or alcohol while on WM property or while operating WM vehicles.

“Drugs and alcohol” includes

- controlled substances
- illegal drugs
- legal drugs illegally used
- intoxicants
- drug paraphernalia
- alcohol

In addition, no employee may work while under the influence of alcohol or drugs. For purposes of this policy “under the influence” means a positive test as determined by the testing lab.

MEDICATIONS Employees taking medication that will affect their ability to work safely are required to give their supervisor a statement from the doctor who prescribed the medication. This statement must:

- say that the medication was prescribed with full knowledge of their job duties and
- give recommendations for appropriate work modification

WM does not want to know the name of the medication or why it was prescribed. Employees should have their doctor sign the form included at the end of this document. (See Appendix B for *Physician Statement Regarding Prescription Medication*)

Employees should not take another person's medication. Doing so is illegal. In addition, this might result in a positive drug test and corrective action will result.

**LEGAL DRUGS
ILLEGALLY
USED** Legal drugs illegally used means

- drugs that are not prescribed for the employee or
- drugs that are not taken as prescribed by the employee's doctor

**DRUG
PARAPHERNALIA** Drug Paraphernalia means any item used to perform any of the actions listed below with regard to drugs.

- use
- sell
- make
- handle
- possess
- consume
- inhale
- transport

**WASTE
MANAGEMENT'S
RIGHTS** WM has the right, at all times, to inspect

- all persons,
- their property, and
- WM provided property

prior to entering, while on, and when leaving WM property. Illegal drugs found in or on WM property or vehicles will be turned over to the appropriate law enforcement officials.

DEFINITION OF DRUGS	<p>For the purpose of this Policy, “drugs” means any</p> <ul style="list-style-type: none"> • controlled substances • illegal drugs • legal drugs illegally used • drug paraphernalia • intoxicant • alcohol • prescription medication • over-the-counter medication <p>that if abused, may lead to physical or psychological dependence.</p>
ADULTERATED OR SUBSTITUTED RESULTS	<p>Adulterated means contaminated. Substituted means replaced. If a urine specimen has been contaminated, tampered with, or replaced, WM’s Medical Review Officer (MRO) will report it to the Designated Employee Representative (DER) as a refusal to test. A refusal to test is considered the same as a positive test.</p>
REFUSAL TO TEST	<p>Employees who refuse to take a drug or alcohol test upon request or when scheduled are terminated.¹</p>
EXCEPTIONS	<p>WM may allow alcohol to be used at WM functions.</p> <p>An employee may work while taking a drug IF the drug</p> <ul style="list-style-type: none"> • has been prescribed by a doctor, • is being used as directed by the doctor, • does not reduce the ability to work safely and efficiently, and • does not pose a risk to workplace safety. <p>If the drug could prevent the employee from working safely and efficiently, he or she must tell his or her supervisor or Human Resources Representative without delay.</p> <p>In some instances, the employee may be required to provide a medical statement regarding their ability to safely perform job duties.</p>
COST	<p>WM pays all costs for drug and alcohol testing required by WM. This includes pre-employment testing for candidates.</p>

¹ unless otherwise directed in any collective bargaining agreement

PREVENTING SUBSTANCE ABUSE

To maintain a workplace that is free from drugs and alcohol, WM uses a Substance Abuse Program. This program includes:

- education,
- training, and
- drug and alcohol testing

EDUCATION

Employees learn about

- WM's drug and alcohol policy.
- The health effects of drugs and alcohol.
- WM's Employee Family Assistance Program (EFAP) for substance abuse problems.

See below for more information on the EFAP.

TRAINING

WM provides training for supervisors so they can recognize

- early warning signs,
- symptoms, and
- behavior

that might indicate a use/abuse problem.

Supervisors also learn how to address performance problems resulting from substance abuse.

DRUG AND ALCOHOL TESTING

WM has developed a drug and alcohol testing program. The basics of this program are described in this document.

Test results are confidential. The donor is identified at the testing laboratory (lab) with a number only. The results are not made known to anyone except WM employees with a legitimate, business-related reason to know.

The MRO receives the test results from the lab. An MRO is a licensed doctor who knows how to read substance-abuse tests. The MRO sends the results to the Designated Employee Representative (DER). The DER shares the information only as corrective action is required. The results can only be released outside of WM with written permission.

DRUG TESTING

Urine is tested for controlled substance use. Listed below are the substances the test covers.

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

DRUG TESTING (CONTD.)

The urine is sent to a lab that is certified by the Department of Health and Human Services. The collector has been qualified according to DOT standards. The procedure called "Custody and Control" is used for security. A Custody and Control Form (CCF) or Chain of Custody Form (COC) identifies and stays with the specimen. This makes sure that no one can tamper with the urine. It ensures that the urine provided is the urine that is tested.

Custody and Control begins when the urine is collected and ends when it is discarded. Here's how it works:

1. A sample is provided.
2. The sample is labeled with an assigned number. The number is bar coded for confidentiality. The sample is sealed in the donor's presence. It is sealed in a tamper-evident container. This kind of container shows evidence of any attempt to tamper with the seal.
3. The sample is sent to the lab for analysis. Security is very high at the lab. The lab documents everything it does with the specimen. The lab computer confirms that the specimen matches its Custody and Control Form (CCF)/Chain of Custody Form (COC).

At the lab, the urine is screened. If it is positive, then it is tested again. This test is completely separate from the first test. It uses a different technique. It uses a different chemical principle. If this test is negative, no further testing is done. If this test is positive for drugs, a confirmation test is done. If that test is positive for drugs, it will be referred to the MRO for handling. The lab stores the specimen in a secure refrigerator. Negative specimens are discarded within 5 days. Positive specimens are held for one year.

ALCOHOL TESTING

The first screening is performed on saliva or breath. A qualified Saliva Test or Breath Alcohol Technician collects the test sample. The technician analyzes the sample right away. If the first screening is positive (at or above 0.02), a second test is done after 15 minutes to confirm the result. This second test is on breath only. It is done with a device approved by the federal government. It shows breath alcohol concentration (BAC). If this test is negative, no further testing is done.

Alcohol testing is done

- just before,
- during, or
- just after

on-duty or Company time.

IF AN EMPLOYEE NEEDS HELP Employees with substance abuse problems should get help before those problems affect their job performance. Substance abuse problems can also affect qualifications to operate commercial motor vehicles.

Employees are not penalized for seeking assistance. However, corrective action up to and including termination may be taken for poor job performance, regardless of the reason.

THE EFAP The Employee Family Assistance Program (EFAP) provides

- assessment,
- counseling, and
- treatment services

for employees who have substance abuse problems. These services are confidential.

Getting help doesn't mean termination of employment. The EFAP helps employees recover from the illness of substance abuse while they continue to meet the duties of their jobs. Getting help is the first step towards

- regaining control,
- rebuilding relationships, and
- resuming good performance.

If an employee, any of their family members, or any of their co-workers need help, they should contact the EFAP at 1.800.852.7461.

EDUCATION The EFAP also provides employees education about substance abuse. Employees can learn to recognize

- early warning signs,
- symptoms, and
- behavior

that might indicate a use/abuse problem.

Employees can also learn about the harmful effects of substance abuse. The EFAP can also provide employees with community resources and referrals for help.

OTHER HELP Employees may also be eligible for help through WM's health plan or under other WM policies, such as leave-of-absence policies.

SUMMARY The Drug and Alcohol Policy applies to all WM employees and candidates. To be hired and to remain employed by WM, everyone must comply with the Substance Abuse Program. This includes drug and alcohol testing when requested.

SUMMARY
(CONTD.)

Any employee

- whose test is positive for the presence of a prohibited substance,
 - who refuses to test,
 - who acts in a way that clearly obstructs the testing process, or
 - who refuses to cooperate in an investigation of a policy violation
- is in violation of WM's Drug and Alcohol Policy.

**EMPLOYEES WHO VIOLATE THE DRUG AND ALCOHOL POLICY
WILL BE SUBJECT TO CORRECTIVE ACTION UP TO AND
INCLUDING TERMINATION.**

DRUG TESTING POLICY FOR ALL CANDIDATES

POLICY STATEMENT	This policy is a central part of WM's Substance Abuse Program. It provides for drug testing of all candidates for all positions at WM. Applicants who are offered a job with WM become job candidates.
DRUG TESTING	All candidates must pass a pre-employment urinalysis drug test before being hired. This applies to all jobs at WM. Applicants are told about this requirement in writing when they first apply for employment. Applicants who are offered a job must submit a urine sample. This sample is tested for illegal drugs. Candidates cannot begin work at WM until they receive a negative test.
DOT APPLICANTS	Applicants who apply for DOT positions must provide to WM drug and alcohol violations and DOT reportable accidents for the previous 36-months. A positive drug or alcohol result or a refusal to test within the past 36 months will disqualify the applicant for employment.
DILUTE SPECIMEN	A dilute specimen is one where creatinine and specific gravity levels are lower than expected for human urine. WM uses the following guidelines for dilute specimens

Creatinine Level:	Lab Reports As:	Action Required:
Less than 5mg	Substituted	Same as a positive/refusal to test
2-5mg	Cancelled-Dilute	Immediate observed re-test required.
Greater than 5mg	Negative-Dilute	Immediate non-observed re-test required

If the result of the second test is also negative dilute WM policy does not allow for a third test to be conducted. A negative dilute re-test is considered a negative test.

WITHDRAWAL OF JOB OFFER

If a candidate

- fails to provide the 36-month history of drug and alcohol violations and DOT reportable accidents,
- misses the appointment for collection,
- refuses to sign a consent form,
- refuses to submit to the drug test, or
- fails the drug test

any offers of employment will be withdrawn.

Candidates who test positive for drugs may request a copy of the test result.

DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN DOT-REGULATED POSITIONS

POLICY STATEMENT

This policy is a central part of WM's Substance Abuse Program. It provides for drug and alcohol testing of WM employees who are covered by the drug and alcohol testing requirements of the Federal Motor Carrier Safety Administration (FMCSA), part of the U.S. Department of Transportation (DOT). Its purpose is

- to reduce employee substance abuse and
- to prevent incidents in the workplace related to substance abuse.

All DOT employees must follow this Policy to remain employed.

Employees who violate this Policy are removed from performing safety sensitive functions. They are also subject to corrective action up to and including termination. Violation includes refusing to take a drug or alcohol test upon request.¹

All drug and alcohol tests conducted pursuant to this Policy are done in accordance with WM's Drug and Alcohol Testing Procedures. These procedures comply with the Department of Transportation's drug and alcohol testing regulations.

This Policy may be changed without notice if necessary to comply with current or future DOT regulations.

DOT COVERED EMPLOYEES

Employees who

- operate commercial motor vehicles and
- are required to have commercial driver's licenses

must follow this Policy.

DOT covered employees include the types of drivers listed below.

- full-time
- part-time
- casual
- intermittent
- occasional

¹ Corrective action measures described in any collective bargaining agreement may also apply.

PROHIBITED CONDUCT

DOT employees must ***NOT***

- report to duty or remain on duty requiring the performance of safety sensitive functions while having a BAC of 0.02 or higher.
- be on duty or operate a commercial motor vehicle while possessing alcohol.
- use alcohol while performing safety sensitive functions.
- perform safety sensitive functions within 4 hours after using alcohol.
- report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug.

This does not apply if the driver

- is taking medication under a doctor's orders and
- the medication does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

DRUG AND ALCOHOL TESTING

DOT employees are required to take a urinalysis drug test and an alcohol test under the conditions listed below:

- Pre-Employment (urine test only)
- Pre-Use (urine test only, prior to beginning or upon transfer to a DOT or non-DOT safety sensitive position)
- Reasonable Suspicion
- Post Accident
- Random
- Return-to-Duty
- Follow-Up

PRE-EMPLOYMENT AND PRE-USE

All candidates must pass a pre-employment urinalysis drug test before being hired. This applies to all jobs at WM. Applicants are told about this requirement in writing when they first apply for employment. Applicants who are offered a job must submit a urine sample. This sample is tested for illegal drugs. All employees transferring into DOT or non-DOT safety sensitive positions must pass a urinalysis drug test.

REASONABLE SUSPICION

Reasonable suspicion occurs when a supervisor who is trained to detect the signs of alcohol and drug use has reason to believe that the driver performed any of the actions listed under Prohibited Conduct on this page.

BASIS OF REASONABLE SUSPICION

Supervisors must base their decision about an employee's drug or alcohol use on observations. These observations must be about appearance, behavior, speech or body odor that is

- specific,
- current (happening from recent past and continuing), and
- can be described in words.

The observations may also include indications of the chronic use and/or withdrawal effects of drugs or alcohol.

However alcohol tests are conducted only

- just before,
- while, or
- just after

the driver performs safety sensitive functions.

The supervisor making the observation makes a written record of those observations.

POST ACCIDENT

A DOT employee must take a drug and alcohol test following an accident involving a commercial motor vehicle. This applies only in the situations listed below.

1. The driver is involved in an accident that results in a fatality.
2. The driver is involved in an accident that results in
 - a citation for a moving violation **and**
 - medical treatment away from the scene of the accident.
3. The driver is involved in an accident that results in
 - a citation for a moving violation **and**
 - one or more damaged vehicles that must be towed.

Employees who must take a post-accident test must remain readily available for a test following the accident. If they do not, they are judged to have refused to take the test.

DOT employees required to take a post accident test must not use alcohol for eight hours after the accident or until undergoing the post accident test, whichever occurs first.

Post accident drug and alcohol testing conducted by the authorities is NOT a substitute for conducting our own post accident test (or, if applicable, reasonable suspicion). In cases where the authorities have conducted their own test, this will require the driver to provide a separate specimen for the WM required test.

RANDOM	<p>DOT employees are required to submit to random drug and alcohol testing upon request.</p> <p>Random drug tests are unannounced and occur periodically throughout the year. However, alcohol tests are conducted only</p> <ul style="list-style-type: none"> • just before, • while, or • just after <p>the driver performs safety sensitive functions.</p>
TEST RATES	<p>Random drug testing is conducted at the annual rate of 50% of the average number of DOT positions. Random alcohol testing is conducted at the annual rate of 10% of the average number of DOT positions. Test rates may be adjusted by DOT.</p>
EMPLOYEE SELECTION FOR RANDOM TESTING	<p>Employees are selected for random testing by a scientifically valid method. This method ensures that each DOT employee has an equal chance of being selected each time selections are made.</p>
RETURN-TO-DUTY AND FOLLOW-UP TESTING	<p>An employee who is not terminated after a positive urine drug test or breath alcohol test, per state law or a collective bargaining agreement, must</p> <ul style="list-style-type: none"> • sign a Last Chance Agreement, • be evaluated by a Substance Abuse Professional (SAP), • have negative test results before returning to duty, and • be in compliance with whatever treatment plan the SAP requires. <p>The employee may return to duty only after a SAP releases him or her for return. After the required evaluation, the SAP writes a letter confirming that he or she may return to duty.</p> <p>The employee will also be required to take random drug and alcohol tests no fewer than six times throughout the next year.</p> <p>Follow-up alcohol testing is conducted only</p> <ul style="list-style-type: none"> • just before, • while, or • just after <p>the employee performs safety sensitive functions.</p> <p>All return-to-duty and follow-up tests must be performed using observed collection.</p>

REFUSAL TO TEST Employees who refuse to take a drug or alcohol test upon request or when scheduled are terminated.¹

A refusal to test is considered the same as a positive result. Any conduct that interferes with the testing process is considered a refusal to test, and therefore, a positive result. Examples of this are

- missing the appointment and
- going the next day because of personal preference.

Refusing to sign step 4 of the Alcohol Testing Form is considered a refusal to test when the employee takes an alcohol confirmation test. In this case the employee will be terminated.¹

**CONSEQUENCES
OF A POSITIVE
DRUG OR
ALCOHOL TEST^{1,2}**

DOT employees will be terminated if

- alcohol test shows a BAC of 0.04 or higher or
- urine test shows the presence of drugs as determined by the MRO.

DOT employees with a BAC between 0.02 and 0.039

- will be removed from safety sensitive duties for a minimum of 24 hours and suspended, pending an evaluation and return-to-duty recommendation from a SAP.
- will be terminated if they refuse to go to a SAP for evaluation and comply with the follow-up recommendations an/or treatment.
- must pass a return-to-duty breath alcohol and urine drug test, sign a Last Chance Agreement, and undergo follow-up testing for up to 60 months if requested by the SAP, including no less than 6 random tests in the first year.

A second test of 0.02 or higher or a positive urine test will lead to termination as required by the terms of the Last Chance Agreement.

An employee may take sick time, vacation time or any other accrued time and/or apply for short-term disability (STD) to cover lost wages.

¹ Consequences of a positive drug or alcohol test or a refusal to test for employees covered by a collective bargaining agreement may differ from other employees.

² In accordance with California State Law, all Commercial Drivers with a BAC of 0.01 or higher must be placed out of service for 24 hours.

CONSEQUENCES
OF A POSITIVE
DRUG OR
ALCOHOL TEST
(CONTD.)

DOT candidates are also subject to the rules and regulations of the Department of Transportation. These rules and regulations are incorporated into WM's Substance Abuse Program.

WM is required by DOT regulations to obtain a three-year history of a DOT candidate's drug and alcohol testing and accident history from the candidate's prior employer. In addition, the prior employer must provide drug and alcohol testing and accident records they have from previous employers. Therefore, if a DOT employee tests positive on a drug or alcohol tests, that will follow the person for *at least* three years.

Candidates who have tested positive for drugs or alcohol at a prior employer must provide documentation that they have successfully completed a SAP evaluation and are following the recommended course of treatment.

DILUTE SPECIMENS

A dilute specimen is one with creatinine and specific gravity levels that are lower than expected for human urine. The DOT has established the following guidelines for dilute specimens

Creatinine Level:	Lab Reports As:	Action Required:
Less than 2mg	Substituted	Same as positive/refusal to test
2-5mg	Cancelled- Dilute	Immediate observed re-test required
Greater than 5mg	Negative Dilute	Immediate non-observed re-test required

If the result of the second test is also negative dilute, WM policy does not allow for a third test to be conducted. A negative dilute re-test is considered a negative test.

ADULTERATED OR
SUBSTITUTED
RESULTS

Adulterated means contaminated. Substituted means replaced. If a urine specimen has been contaminated, tampered with, or replaced, the MRO will report it to the Designated Employee Representative (DER) as a refusal to test. A refusal to test is considered the same as a positive test.

SPLIT SAMPLE TEST

DOT employees or candidates who have a verified positive, adulterated or substituted test result will be contacted by the MRO. They may explain the test result or disclose any prescription medication that they are taking that may have caused the result. This information will remain confidential. They may also request a split sample test. The split sample is a portion of the original specimen that has been stored at the lab. The sample will be sent to a different lab for testing and the employee or candidate is responsible for the cost of the test. The result of the split sample test will be the test result of record. The employee or candidate will not be able to provide a new specimen.

GETTING HELP

If the SAP determines that the employee needs assistance with a substance abuse problem, the employee must follow any treatment program recommended by the SAP.

Employees can get information from the EFAP or a SAP about available

- experts,
- treatment, and
- rehabilitation programs.

FOLLOW-UP TESTING

Employees who have been identified by a SAP as needing help must undergo follow-up testing when they return to safety sensitive functions.

Follow-up testing

- consists of at least six tests in the first 12 months,
- may continue for up to 60 months, and
- may include both drug and alcohol testing.

Per DOT regulations, all follow-up tests will be done under observed collection.

Employees with questions concerning WM's DOT Drug and Alcohol Testing Policy may contact the Background Screening and Drug Testing Unit (BDU) at 866-875-4884.

DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN NON-DOT POSITIONS

POLICY STATEMENT

This policy is a central part of WM's Substance Abuse Program. It provides for the drug and alcohol testing of WM employees under certain circumstances. Its purpose is

- to reduce employee substance abuse and
- to prevent incidents in the workplace related to substance abuse.

WM believes that drug and alcohol testing is a valuable and appropriate way to address safety concerns. All non-DOT employees must follow this Policy to remain employed. Violation includes refusing to take a drug or alcohol test when scheduled or upon request.

Some states and locales may have certain restrictions on drug and/or alcohol testing. This policy will be modified to the extent that local and/or state laws require.

EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO CORRECTIVE ACTION UP TO AND INCLUDING TERMINATION.

DRUG AND ALCOHOL TESTING

Non-DOT employees are required to take a urinalysis drug test and alcohol breath test under the conditions listed below:

- Pre-employment (urine test only)
- Pre-use (urine test only, prior to beginning or upon transfer to a DOT or non-DOT safety sensitive position)
- Reasonable Suspicion
- Post accident
- Random
- Return-to-duty
- Follow-up

These situations are explained below.

PRE- EMPLOYMENT AND PRE-USE

All candidates must pass a pre-employment urinalysis drug test before being hired. This applies to all jobs at WM. Applicants are told about this in writing when they first apply for employment. Applicants who are offered a job must submit a urine sample. This sample is tested for illegal drugs. All employees transferring into DOT or non-DOT safety sensitive positions must pass a urinalysis drug test.

REASONABLE SUSPICION	<p>Reasonable suspicion occurs when a supervisor has reason to suspect that the employee</p> <ul style="list-style-type: none"> • has used drugs or alcohol or • is under the influence of drugs or alcohol <p>that negatively affects or could negatively affect the employee's job performance.</p>
BASIS OF REASONABLE SUSPICION	<p>Supervisors must base their decisions about an employee's drug or alcohol use on observations. These observations must be about appearance, behavior, speech or body odor that is</p> <ul style="list-style-type: none"> • specific, • current (happening in recent past and continuing), and • can be described in words. <p>The observations may also include indications of the chronic use and/or withdrawal effects of drugs or alcohol.</p>
POST ACCIDENT	<p>Reasonable suspicion guidelines must be followed when deciding whether a drug and/or alcohol test should be performed after an on-the-job accident.</p> <p>Post accident drug and alcohol testing conducted by the authorities is NOT a substitute for conducting our own post accident (or, if applicable, reasonable suspicion) test. In cases where the authorities have conducted their own test, this will require the driver to provide a separate specimen for the WM required test.</p>
RANDOM	<p>Non-DOT employees are required to submit to random drug and alcohol testing upon request.</p> <p>Random drug tests are unannounced and occur periodically throughout the year, however alcohol tests are only conducted</p> <ul style="list-style-type: none"> • just before, • while, or • just after <p>the employee performs his/her job functions.</p>
TEST RATES	<p>Random drug and alcohol testing is conducted at the rate of 10% of the average number employees in safety sensitive positions and non-safety sensitive positions. Tests rates may be adjusted by WM.</p>
EMPLOYEE SELECTION FOR RANDOM TESTING	<p>Employees are selected for random testing by a scientifically valid method. This method ensures that each safety sensitive employee has an equal chance of being selected each time selections are made.</p>

RETURN-TO-DUTY AND FOLLOW-UP TESTING

Non-DOT employees who are not terminated after a positive urine drug test or alcohol test, per state law or a collective bargaining agreement, must

- sign a Last Chance Agreement,
- be evaluated by a Substance Abuse Professional (SAP),
- have negative test results before returning to duty, and
- be in compliance with whatever treatment plan the SAP requires.

The employee may return to duty only after a SAP releases him or her for return. After the required evaluation, the SAP writes a letter confirming that he or she may return to duty.

The employee will also be required to take random drug and alcohol tests no fewer than six times throughout the next year.

Follow-up alcohol testing is conducted only

- just before,
- while, or
- just after

the employee performs his/her job functions.

All return-to-duty and follow-up tests must be performed using observed collection.

REFUSAL TO TEST

Employees who refuse to take drug or alcohol random tests are terminated immediately.

A refusal to test is considered the same as a positive result. Any conduct that interferes with the testing process is considered a refusal to test, and therefore a positive result. Examples are

- missing the appointment and
- going the next day because of personal preference.

Refusing to sign Step 4 of the Alcohol Testing Form is considered a refusal to test when the employee takes an alcohol confirmation tests. In this case the employee is terminated.

CONSEQUENCES OF A POSITIVE DRUG OR ALCOHOL TEST

Non-DOT employees will be terminated if

- alcohol test shows a BAC of 0.04 or higher or
- urine test shows the presence of drugs as determined by the MRO.

CONSEQUENCES
OF A POSITIVE
DRUG OR
ALCOHOL TEST
(CONTD.)

Non-DOT employees with a BAC between 0.02 and 0.039

- will be removed from duty for a minimum of 24 hours and suspended, pending an evaluation and return-to-work recommendation from a SAP.
- will be terminated if they refuse to go to a SAP for evaluation and comply with follow-up recommendations and/or treatment.
- must pass return-to-duty breath alcohol and urine drug test, sign a Last Chance Agreement, and undergo random testing for up to 60 months if requested by the SAP, including no less than 6 random tests in the first year.

A second test of 0.02 or higher or a positive urine drug test will lead to termination as required by the terms of the Last Chance Agreement.

An employee may take sick time, vacation time or any accrued time and/or apply for short-term disability (STD) to cover lost wages.

DILUTE
SPECIMENS

A dilute specimen is one where creatinine and specific gravity levels are lower than expected for human urine. WM has established the following guidelines for dilute specimens

Creatinine Level	Lab Reports As:	Action Required:
Less than 2mg	Substituted	Same as positive/refusal to test
2-5mg	Cancelled-Dilute	Immediate observed re-test required
Greater than 5mg	Negative Dilute	Immediate non-observed re-test required

If the result of the second test is also negative dilute, WM policy does not allow for a third test to be conducted. A negative dilute re-test is considered a negative test.

ADULTERATED OR
SUBSTITUTED
RESULTS

Adulterated means contaminated. Substituted means replaced. If a urine specimen has been contaminated, tampered with, or replaced, the MRO will report it to the Designated Employee Representative (DER) as a refusal to test. A refusal to test is considered the same as a positive result.

For employees, a positive test results in corrective action up to and including termination. For candidates, WM withdraws any job offer.

SPLIT SAMPLE TEST

Non-DOT employees or candidates who have a verified positive, adulterated or substituted test result will be contacted by the MRO. They may explain the test result or disclose any prescription medication that they are taking which may have caused the result. This information will remain confidential. They may also request a split sample test. The split sample is a portion of the original specimen that has been stored at the lab. The sample will be sent to a different lab for testing and the employee or candidate is responsible for the cost of the test. The result of the split sample test will be the test result of record. The employee or candidate will not be able to provide a new specimen.

Employees with questions concerning WM's Non-DOT Drug and Alcohol Testing Policy may contact the Background Screening and Drug Testing Unit (BDU) at 866-875-4884.

DEFINITIONS

Several of the terms used throughout this Policy are defined below.

CHAIN OF CUSTODY A chain of custody tracks the handling and storage of a urine specimen. The tracking begins when the urine is collected. It ends when the urine is discarded. That way, the urine tested is the urine provided. This procedure makes sure that no one can tamper with the specimen.

COMMERCIAL MOTOR VEHICLE The vehicles listed below are considered “commercial motor vehicles”:

1. Vehicles with a gross combination weight rating of 26,001 or more pounds. This includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
2. Vehicles with a gross vehicle weight rating of 26,001 or more pounds.
3. Vehicles that are designed to transport 16 or more passengers including the driver.
4. Vehicles that are used in the transportation of hazardous materials that require a warning placard.

CONFIRMATORY TEST A confirmatory test is done if the first test is positive (shows drug or alcohol use). Its purpose is to make sure the first test is correct. It shows the presence of a drug or alcohol.

FOR DRUGS At this time, the method to confirm positive drug tests is GC/MS. This means “gas chromatography/mass spectrometry.” GC/MS is highly accurate. It has been called the “gold standard” of drug testing processes. This test is performed on all urine specimens that test positive on the first test. It can detect a drug or other substances that show the drug is present (drug metabolite). This test is completely separate from the first test. It uses a different technique. It also uses a different chemical principle. If this test is negative, no further testing is done. A positive test results in corrective action up to and including termination.

FOR ALCOHOL If a first test shows a BAC of 0.02 or higher, a second Breathalyzer test is used to make sure the first test was correct. If this test is negative, no further testing is done. A positive test results in corrective action up to and including termination.

DEFINITIONS (CONTD.)

DRUG METABOLITE	A drug metabolite is the specific substance produced when a given drug passes through the body and leaves in the urine. In other words, the body “metabolizes” the drug, producing one or more other substances that end up in the urine.
EMPLOYEE FAMILY ASSISTANCE PROGRAM (EFAP)	EFAP is a program provided through a contracted service. It assists employees in dealing with drug or alcohol dependency. It can also help employees with other personal problems.
INITIAL TEST OR SCREENING TEST	See also Confirmatory Test.
<i>FOR DRUGS</i>	The first test is a urine test. An immunoassay screen is used. If the test is negative then no further testing is done. If the test is positive, a Confirmatory Test is done.
<i>FOR ALCOHOL</i>	The first test for alcohol is a Breathalyzer test. If the test is negative, then no further screening is done. If the test is positive (BAC of 0.02 or higher), a Confirmatory Test is done. This second test uses a Breathalyzer.
MEDICAL REVIEW OFFICER (MRO)	A MRO is a licensed doctor. The MRO receives the lab results from the drug testing program. MROs know about substance abuse problems. They also have medical training to interpret and evaluate positive test results along with the employees’ medical histories.
DOT SAFETY SENSITIVE FUNCTIONS	<p>The following functions are considered DOT safety sensitive functions when performed by a driver of a commercial motor vehicle.</p> <ol style="list-style-type: none">1. Waiting to be dispatched or to operate a commercial motor vehicle.2. Inspecting, conditioning, or servicing a commercial motor vehicle.3. Driving a commercial motor vehicle.4. Loading or unloading (or assisting or supervising loading or unloading) a commercial motor vehicle.5. Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

DEFINITIONS (CONTD.)

NON-DOT SAFETY SENSITIVE POSITION

A non-DOT safety sensitive position requires the performance of specific physical or supervisory tasks. If these tasks are done incorrectly, injury or death to employees or others could result. In addition, significant property or environmental damage could occur.

APPENDIX A: NON-DOT SAFETY-SENSITIVE POSITIONS

Definition: A non-DOT safety sensitive position requires the performance of specific physical or supervisory tasks. If these tasks are done incorrectly, injury or death to employees or others could result. In addition, significant property or environmental damage could occur.

Landfill

Mechanic / Fueler
Tire Replacer
Parts Runner
Heavy Equipment Operator
Spotter
Wood Chipper / Grinder
Tipper Operator
Helper

Transfer Station

Mechanic
Tire Replacer
Parts Runner
Transfer Truck Driver
Heavy Equipment Operator
Spotter
Helper

MRF

Mechanic
Heavy Equipment Operator
Spotter
Helper

Hauling

Vehicle Mechanic
Fabricator / Container Repair
Tire Replacer
Parts Runner
Bin Delivery
Portalet Driver
Helper

MISC

Any employee who drives regularly and on a consistent basis as part of his or her job duties (includes employees who receive a car allowance, are issued a company vehicle, or who participate in the Runzheimers Program)

Workers running mobile machinery

Mechanics

Helpers

APPENDIX B:

PHYSICIAN STATEMENT REGARDING PRESCRIPTION MEDICATION



WASTE MANAGEMENT
1001 FANNIN, SUITE 4000
HOUSTON, TX 77002
(713) 512-6000

Physician Statement Regarding Prescription Medication

Supervisor completes this section.

WM Site _____ Date _____

Employee Name _____ Address _____

State/Zip Code _____ Telephone Number _____

Job Title _____ Supervisor Name _____

Physician Instructions: Your assistance is needed to determine if the above named individual can safely perform the essential functions of his or her job. Please complete the section below and select the appropriate recommendation. Thank you for your help and cooperation.

Physician Name _____

Address _____

State/Zip Code _____

Telephone Number _____

The employee whose name appears above is under my care. I have prescribed medication (s) for this employee. I have reviewed Waste Management's description of the employee's job duties.

- ☐ The medication(s) I have prescribed will not affect the safe performance of those job duties.
- ☐ The medication(s) I have prescribed will affect the safe performance of those job duties. The employee is unable to return to work at this time. Next medical evaluation is _____
- ☐ The medication(s) I have prescribed will affect the safe performance of those job duties; therefore, I am recommending the following activity restriction(s):

Expected duration of activity restrictions: _____

Physician
Signature _____ Date _____

Please do not reveal either the employee's condition(s) or the medication(s) you prescribe for him/her. Waste Management's sole concern is for the safety of its employees and the community.